

Remarks:

Claims 1-3, 5, 7-21, and 23-68 were pending in this patent application at the time of the 3/25/2008 Restriction Requirement. Applicant hereby provisionally elects the claims of Species 1 - claims 10-19 and 30-55 - for further prosecution in this patent application such that claims 1-3, 5, 7-19, and 23-55 will be the initial claims subject to examination. However, Applicant makes this election with traversal. While Applicant does not traverse the Restriction Requirement's characterization of the two species as being patentably distinct, Applicant does traverse (1) the Restriction Requirement's position that these species have mutually exclusive characteristics and (2) the Restriction Requirement's classification of claims 1-3, 5, 7-9, and 23-29 as "generic".

The Office's Restriction Requirement took the position that the two species identified above "are independent or distinct *because the claims to the different species recite the mutually exclusive characteristics of such species.*" (See 3/25/2008 Restriction Requirement, p. 2 (emphasis added)). However, Applicant respectfully disagrees with and thus traverses the characterization of these two species as being mutually exclusive.

MPEP 806.04(f) defines the concept of "mutually exclusive" species by stating:

Claims to different species are mutually exclusive if one claim recites limitations disclosed for a first species but not a second, while a second claim recites limitations disclosed only for the second species and not the first. This may also be expressed by saying that to require restriction between claims limited to species, the claims must not overlap in scope. (Emphasis added).

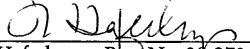
The presence of the "vehicle assignment" feature characterized by the Restriction Requirement as Species 1 in a system or method claim does not exclude from the scope of that claim a system or method which also includes the "contract compliance" feature characterized by the Restriction Requirement as Species 2. As such, these two species are not mutually exclusive under the definition provided in and thus do not satisfy MPEP §806.04(f). As evidence of this fact, Applicant draws the Examiner's attention to claims 57 and 63.

The Restriction Requirement also identified claims 1-3, 5, 7-9, and 23-29 as "generic" claims. According to MPEP 806.04(d), a generic claim is defined as a claim which requires "no material element additional to those required by the species claims, and each of the species claims must require all the limitations of the generic claim." Applicant respectfully submits that under this definition, claims 1-3, 5, 7-9, and 23-29 do not qualify as generic claims

relative to the identified species claims because there are a number of limitations found in the identified "generic" claims that are not found in the identified "species" claims.

Therefore, Applicant respectfully requests that this Restriction Requirement be withdrawn and that examination proceed on all pending claims. Favorable action is respectfully requested.

Respectfully submitted,



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